

UNITED STATES DISTRICT COURT

RECEIVEDfor the
District of Minnesota

JUN 28 2010

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTAIn the Matter of the Search of
8840 Xerxes Circle South, Bloomington, Minnesota 55431, a
residential structure light brown/tan in color with dark trim

CASE NO.

MS 10-241 SRN

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the State and District of Minnesota:

8840 Xerxes Circle South, Bloomington, Minnesota 55431, a residential structure light brown/tan in color with dark trim, described in more detail in Attachment A.

The person or property to be searched, described above, is believed to conceal the items set forth in Attachment B.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before June 28, 2010.☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

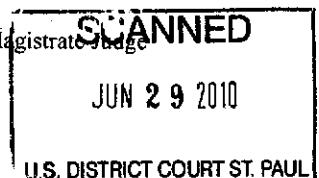
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge The Honorable Susan Richard Nelson.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)☐ for days (*not to exceed 30*).☐ until, the facts justifying, the later specific date of .

Date and time issued:

June 14, 2010
11:06 a.m.Susan Richard Nelson
Judge's signature

City and state: Minneapolis, Minnesota

Hon. Susan Richard Nelson, United States Magistrate Judge
Printed name and title

ATTACHMENT A

8840 Xerxes Circle South, Bloomington, Minnesota 55431 is described as a residential structure light brown/tan in color with dark trim. While facing the residence from the street the numerals "8840" are affixed vertically to the structure to the right of the front entrance and are plainly and clearly visible. To the right of the front entrance there is a driveway leading to a garage. To the left of the front entrance the residence appears to be of a split level style.

ATTACHMENT B

1. Internet billing and use records.
2. Records or other items that evidence ownership or use of computer equipment found in the premises to be searched, including, but not limited to, sales receipts, handwritten notes and handwritten notes in computer manuals.
3. Records evidencing occupancy or ownership of the premises to be searched, including, but not limited to, utility and telephone bills, mail envelopes, and/or addressed correspondence.
4. Any and all visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, in any format or media, including, but not limited to, undeveloped photographic film, photographs, magazines, videotapes, slides, and motion picture films.
5. Correspondence, books, ledgers, and/or records pertaining to the possession, receipt, distribution, transportation, or advertisement of visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, transmitted or received using computer, some other facility or means of interstate or foreign commerce, common carrier, or the U.S. mail.
6. Any and all computer passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code.
7. Computer(s) and all related computer equipment, including scanners, peripherals, related instructions in the form of manuals, as well as the software used to operate the computer(s), and any CD-ROMS, zip disks, floppy disks, DVDs, memory cards, and other magnetic storage devices. The subsequent forensic analysis of these items is to be focused on searching for the items described in paragraphs 1-6 above.

SEARCH WARRANT ADDENDUM

1. In conducting the search authorized by this warrant, the government shall make reasonable efforts to utilize computer search methodology that avoids searching files, documents or other electronically stored information which is not identified in the warrant.

2. If electronically stored data or documents have been identified and seized by the government pursuant to this warrant, the government may retain the original hard drive or other data storage mechanism. The person from whom the data storage device has been seized may request that the government provide him or her with electronic copies of the electronically stored data or documents by making a written request to the United States Attorney's Office, identifying with specificity the files, data, or software sought to be copied. The government must respond to all such requests within a reasonable amount of time, and must provide a copy of the electronically stored data or documents requested unless the copies requested constitute contraband, instrumentalities, or property subject to forfeiture.

3. Nothing in this warrant shall limit or prevent the government from seizing the computer as contraband or an instrumentality of a crime or commencing forfeiture proceedings against the computer and/or the data contained therein. Nothing in this warrant shall limit or prevent the owner of the computer from (a) filing a motion with the Court pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure for the Return of Property or (b) making a request of the government to return certain specified files, data, software or hardware.

4. The government shall establish a search methodology governing the review of seized data to ensure that no attorney-client privileged communications will be inadvertently reviewed by the prosecution team. In the event that documents or other records seized pursuant to this warrant are identified by the government as possibly containing attorney-client privileged communications, an Assistant United States Attorney, who is not a member of the prosecution team and who is not participating in the search, shall act as a "taint team" to set up a "Chinese wall" between the evidence and the prosecution team that will prevent any privileged material from getting through.

AO 93 (Rev. 12/09) Search and Seizure Warrant (Page 2)

RETURN

Case No.:

305A - MP - 71998

Date and time warrant executed:

06/16/2010, 7:15 AM

Copy of warrant and inventory left with:

Karen Sondag

Inventory made in the presence of:

FBI SA Peter A. Erickson

Inventory of the property taken and name of any person(s) seized:


Refer to attached FD-597 and Inventory Listing of All Items
Seized at Warrant site, three (3) pages total,
dated June 16, 2010.

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date:

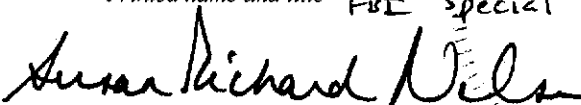
06/28/2010


 Executing officer's signature

Printed name and title

 Paul M. Couturier
 FBI Special Agent

6/28/10



United States Magistrate Judge

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

COPY

File # 305A-MP-71998

On (date) June 16, 2010

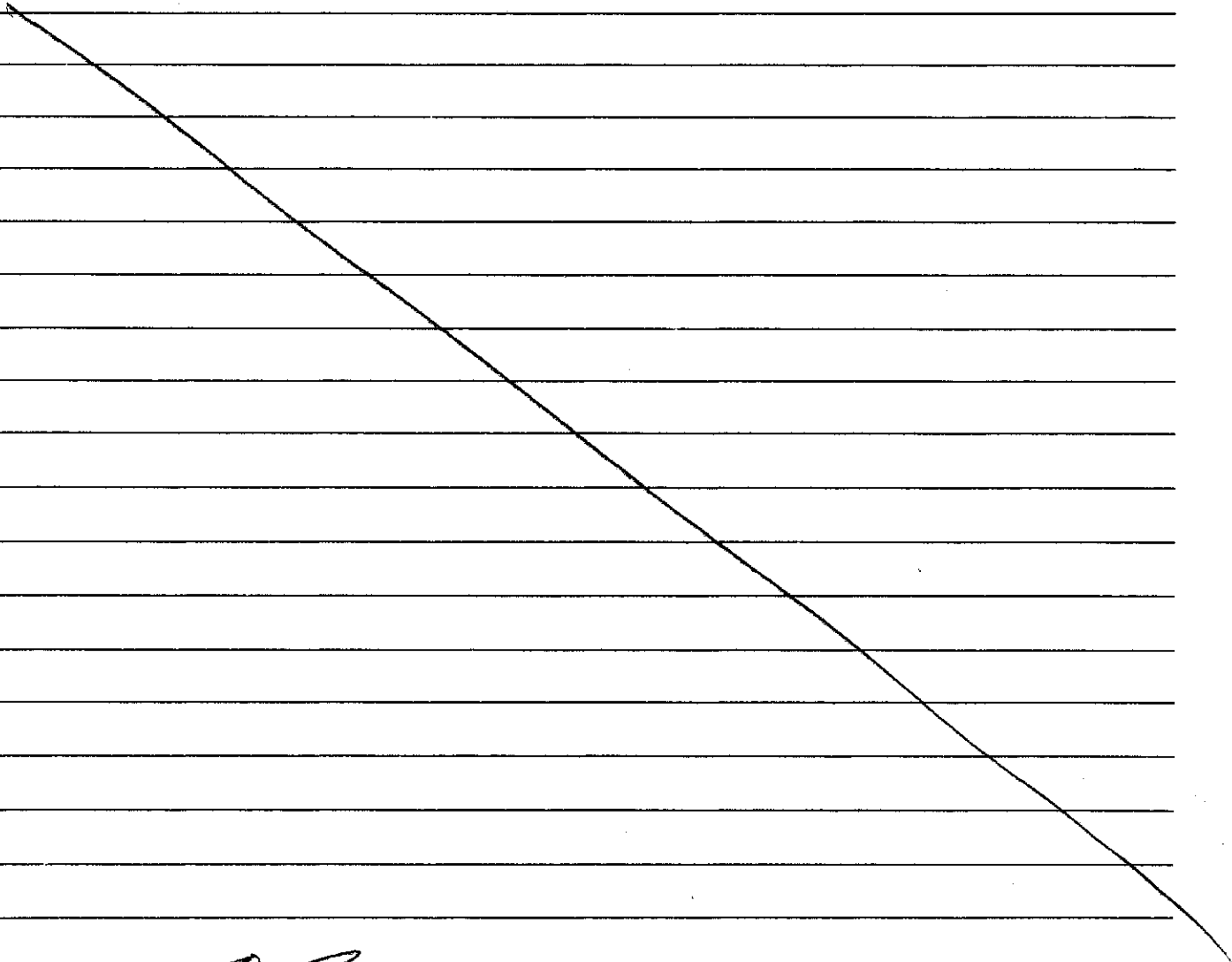
- item(s) listed below were:
- ☐ Received From
 - ☐ Returned To
 - ☐ Released To
 - ☒ Seized

(Name) KAREN SUNDAY & SEAN KRATZ

(Street Address) 8840 XENXES CIRCLE S

(City) BOOMINGTON, MN

Description of Item(s): SEE ATTACHED SHEET



Received By: [Signature]
(Signature)

Received From: [Signature]
(Signature)

Inventory Listing of All Items Seized at Search Warrant Site

Site Name: 8840 Xerex Circle South, Bloomington, Minnesota Residence	Investigation Number: MP-71998 Starting Date and Time: 06/16/2010 07:20 AM Ending Date and Time:	Report Date: Wednesday, June 16, 2010
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Control #:	1	Evidence Box:	
Location:	Downstairs Main Room	Locator Code:	Work Area
Found:	Work Area by Television under Small Desk		
Description:	Seized Per Warrant Desktop Computer, EMachine, serial number GDF5320002832		

Control #:	2	Evidence Box:	
Location:	Downstairs Bedroom	Locator Code:	Desk
Found:	Plugging in on desk		
Description:	Seized Per Warrant Dell Inspiron PP29L, service tag 6G0MND1, with power supply		

Control #:	3	Evidence Box:	
Location:	Downstairs Bedroom	Locator Code:	Desk
Found:	Connected to Dell Inspiron		
Description:	Seized Per Warrant External USB hard drive, serial number JH7315, with cable		

Control #:	4	Evidence Box:	
Location:	Bedroom	Locator Code:	Bed
Found:	Sitting on the bed disconnected		
Description:	Seized Per Warrant Gateway MA2, serial number T365AJ1001002, with carrying case and power supply		

Control #:	5	Evidence Box:	
Location:	Study	Locator Code:	Closet
Found:	Top Shelf		
Description:	Seized Per Warrant Sony Handycam Video 8 CCD-TR66, serial number 21758, with video cartridges, power supply, and carrying case.		

Control #:	6	Evidence Box:	
Location:	Downstairs Bedroom	Locator Code:	Desk
Found:	Plastic container on desk shelf		
Description:	Seized Per Warrant Silver external USB hard drive (no visible serial number), with USB cable		

Control #:	7	Evidence Box:	
Location:	Downstairs Bedroom	Locator Code:	Desk
Found:	On the desk and dresser		
Description:	Seized Per Warrant Misc recordable CDs and DVDs		
Control #:	8	Evidence Box:	
Location:	Downstairs Bedroom	Locator Code:	Desk/Dresser
Found:	On the desk and dresser		
Description:	Seized Per Warrant Misc CDs and DVDs		
Control #:	9	Evidence Box:	
Location:	Garage	Locator Code:	Vehicle
Found:	Son's vehicle within garage		
Description:	Seized Per Warrant Misc recordable CDs		
Control #:	10	Evidence Box:	
Location:	Garage	Locator Code:	Garage
Found:	Shelf within Garage		
Description:	Seized Per Warrant Dell Dimension Desktop 4100, service tag 6TY2Q01		